

## Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 ACDA-07 DHA-02 MCT-01  
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00  
NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AF-10  
ARA-10 EA-07 NEA-10 /119 W  
-----080776 160107Z /70

R 152240Z JUL 77  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC 4490  
INFO AMEMBASSY STOCKHOLM  
AMEMBASSY THE HAGUE  
USMISSION GENEVA

C O N F I D E N T I A L SECTION 1 OF 2 USUN 2261

E.O. 11652: GDS  
TAGS: PORG, SHUM, UNGA, SW, NL  
SUBJECT: SWEDISH INITIATIVE FOR CONVENTION AGAINST TORTURE AT  
UPCOMING GENERAL ASSEMBLY

1. SUMMARY: SWEDISH DRAFT ON TORTURE AIMS AT CONSENSUS ON  
PROCEDURAL APPROACH, AND REJECTS DUTCH AND US APPEAL NOT TO  
OVERLOAD THE HUMAN RIGHTS COMMISSION (HRC) BY REFERRING  
DRAFTING OF CONVENTION TO IT. END SUMMARY.

2. SWEDISH THIRD COMMITTEE REP (STAHL) PRESENTED DRAFT  
RESOLUTION ON TORTURE (TEXT REPRODUCED BELOW) TO US, PORTUGAL,  
AUSTRIA AND NETHERLANDS REPS JULY 15 AS FIRST STEP IN GAINING  
HOPED-FOR WEO CONSENSUS. SWEDEN WOULD THEN SEEK APPROXIMATELY  
TEN OTHER CO-SPONSORS (ALONG WITH SWEDEN, PORTUGAL, AUSTRIA  
AND NETHERLANDS FROM WEO GROUP) FROM NON-ALIGNED AND SOCIALIST  
GROUPS. SWEDEN ARGUED THAT THIS PROPOSED RESOLUTION COULD BE  
ADOPTED BY CONSENSUS, EVEN THOUGH HE RECOGNIZED THAT THE  
DRAFTING OF THE SECTIONS ON IMPLEMENTATION OF THE CONVENTION  
ITSELF WOULD PRODUCE SHARP DISAGREEMENTS. THIS CONVENTION  
IS THE NEXT STEP IN THE INITIATIVES THE SWEDES HAVE BEEN  
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TAKING IN RECENT YEARS, AND THEY CONSIDER THE TIMING  
APPROPRIATE THIS YEAR. SWEDEN ARGUES THAT THIS IS THE  
MOST THAT CAN BE DONE THIS YEAR, AND THAT THE CONVENTION  
IS NEEDED BEFORE SIGNIFICANT STEPS IN IMPROVING IMPLEMENTA-  
TION PROCEDURES CAN BE UNDERTAKEN MEANINGFULLY.

3. THE OBJECTIONS TO THE PROPOSAL IN THE ENSURING INFORMAL

DISCUSSION CENTERED LARGELY ON THE REFERRAL OF THE TASK OF DRAFTING THE CONVENTION TO THE HRC. (SWEDISH FOREIGN MINISTRY WILL SUBMIT ITS OWN DRAFT SOME TIME THIS FALL, INFORMALLY, TO THE HRC MEMBERS AT THE GA. WORK HAS NOT BEGUN ON THIS DRAFT AS YET.) FIVE ALTERNATIVES WERE DISCUSSED:

1) THE CONGRESS ON CRIME PREVENTION AND CONTROL. OBJECTED TO BECAUSE IT DOES NOT MEET BUT FIVE YEARS, THE NEXT MEETING IN 1980.

2) THE COMMITTEE ON CRIME PREVENTION AND CONTROL. OBJECTED TO BECAUSE ITS MEETS BIANNUALLY, AND THE PROCESS WOULD LOSE A YEAR.

3) A SPECIAL SESSION OF THE HRC, PERHAPS IN OBSERVANCE OR MAKING PLANS FOR 30TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR). OBJECTED TO BECAUSE IT WAS CONSIDERED UNLIKELY THAT SUCH A PROPOSAL WOULD PASS, AND BECAUSE ONLY ECOSOC CAN CALL A SPECIAL SESSION OF THE HRC.

4) THE SPECIAL WORKING GROUP CALLED FOR IN THE US PROPOSAL TO "STUDY THE NATURE AND EXTENT OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT". OBJECTED TO BECAUSE IT WAS THOUGHT THAT IT WOULD HAVE A SMALLER CHANCE OF ACCEPTANCE THAN REFERRAL TO THE HRC.  
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5) A SPECIAL WORKING GROUP OF THE HRC. OBJECTED TO BECUASE ONLY THE HRC CAN SET UP A WORKING GROUP FOR ITSELF.

4. THE DUTCH REP, READING FROM INSTRUCTIONS, CHARACTERIZED HIS GOVERNMENT'S APPROACH AS "PESSIMISTIC". HE SAID HIS GOVERNMENT HAD NO BASIC OBJECTION EXCEPT THE DANGER OF "CREATING A FALSE IMPRESSION THAT WE ARE DOING SOMETHING WITH THIS RESOLUTION." HE ARGUED THAT CONSENSUS IS TOO HIGH A PRICE TO PAY FOR A MEANINGLESS RESOLUTION. HE MAINTAINED THAT THE HRC WOULD BOTTLE UP THE ATTEMPT TO PUT IN MEANINGFUL IMPLEMENTATION PROPOSALS IN THE CONVENTION,

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NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AF-10  
ARA-10 EA-07 NEA-10 /119 W  
-----080631 160111Z /70

R 152322Z JUL 77  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC 4491  
INFO AMEMBASSY STOCKHOLM  
AMEMBASSY THE HAGUE  
USMISSION GENEVA

C O N F I D E N T I A L SECTION 2 OF 2 USUN 2261

AND PREFERRED AN OPEN DEBATE IN THE GENERAL ASSEMBLY. HE SUGGESTED THAT A "TWO TRACK" APPROACH MIGHT BE USEFUL: WHAT HE CALLED "THE SWEDISH CONSENSUS TRACK," SEEKING THE CONVENTION, AND THE OTHER "THE AMERICAN TRACK," WITH SOMETHING THAT COULD NOT HOPE TO BE ADOPTED BY CONSENSUS, SUCH AS THE US PROPOSAL FOR A SPECIAL WORKING GROUP ON TORTURE ESTABLISHED BY THE GA AND NAMED BY THE SYG, "TO KEEP UP THE PRESSURE". HE SUGGESTED THAT THE TIME FOR PURELY CONSENSUS POLITICS IN THE UN IS PASSING. HE SUGGESTED THAT "IF A PROCEDURE IS ADOPTED BY CONSENSUS, IT IS TIME TO BE SUSPICIOUS, BECAUSE THE OPPONENTS (OF MEANINGFUL ACTION AGAINST TORTURE) HAVE A PLAN TO RENDER THE EFFORT INNOCUOUS."

5. PORTUGUESE SUPPORTED SWEDISH APPROACH AS FEASIBLE AND LIKELY TO PRODUCE A BODY OF INTERNATIONAL LAW TO WHICH FUTURE DISSIDENTS MIGHT APPEAL IF THEIR NATIONS BECAME PARTIES. AUSTRIANS HAD MISGIVINGS ABOUT REFERRING MATTER TO HRC, BUT SAID THEY WOULD SUPPORT PROPOSAL. DUTCH MADE OBJECTIONS, BUT COULD NOT OVERCOME OBJECTIONS TO SUGGESTED FIVE ALTERNATIVES LISTED IN PARA 3 ABOVE. MISOFF SAID US WOULD CERTAINLY SUPPORT CALL FOR CONVENTION, CONFIDENTIAL

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BUT WAS CONCERNED ABOUT DUTCH POINT THAT THIS BE CONSIDERED A SUBSTITUTE FOR MORE EFFECTIVE ACTION TO IMPROVE HR MACHINERY. MISOFF PROMISED TO ASK DEPARTMENT OUR FINAL ATTITUDE ON REFERRAL OF TASK OF FORMULATING DRAFT CONVENTION TO HRC.

6. IN GENERAL DISCUSSION, ALL SUPPORTED IDEA OF NEED FOR MORE ALLIANCES ON HR INITIATIVES WITH NON-ALIGNED COUNTRIES, AND EVEN SWEDEN ADMITTED THAT THE TIME HAD COME FOR SOME

EFFORTS THAT WOULD NOT  
ACHIEVE CONSENSUS.THE DUTCH REPORTED  
THEY ARE GIVING SOME THOUGHT TO AN INITIATIVE CALLING UPON  
THE SYG, UPON THE OCCASION OF THE 30TH ANNIVERSARY OF THE  
UDHR, TO SEND A QUESTIONNAIRE TO ALL MEMBER-STATES TO TRY  
TO EVALUATE HOW THE WORLD IS OBSERVING THE UDHR.

7. COSTA RICANS HAVE CALLED A MEETING FOR EARLY NEXT WEEK  
ON HIGH COMMISSIONER, THEIR ORIGINAL MEETING POSTPONED  
BECAUSE OF NEW YORK BLACKOUT.

THE GENERAL ASSEMBLY, (SWEDISH PROPOSAL-RECD 7/15/77)  
HAVING REGARD TO ARTICLE 5 OF THE UNIVERSAL DECLARATION OF  
HUMAN RIGHTS AND ARTICLE 7 OF THE INTERNATIONAL COVENANT  
ON CIVIL AND POLITICAL RIGHTS, BOTH OF WHICH PROVIDE THAT  
NO ONE MAY BE SUBJECTED TO TORTURE OR TO CRUEL, INHUMAN  
OR DEGRADING TREATMENT OR PUNISHMENT,

RECALLING THE DECLARATION ON THE PROTECTION OF ALL PERSONS  
FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN  
OR DEGRADING TREATMENT OR PUNISHMENT WHICH WAS ADOPTED BY THE  
GENERAL ASSEMBLY IN RESOLUTION 3452 (XXX),

BELIEVING THAT FURTHER INTERNATIONAL EFFORTS ARE NEEDED TO  
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ENSURE ADEQUATE PROTECTION FOR ALL AGAINST TORTURE AND OTHER  
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT,

WELCOMING IN THE REGARD THE WORK THAT HAS BEEN DONE, OR IS  
BEING DONE, ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION  
3453 (XXX),

CONSIDERING THAT A FURTHER SIGNIFICANT STEP WOULD BE THE  
ADOPTION OF AN INTERNATIONAL CONVENTION AGAINST TORTURE AND  
OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT,

1. REQUESTS THE COMMISSION OF HUMAN RIGHTS TO DRAW UP A DRAFT  
CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR  
DEGRADING TREATMENT OR PUNISHMENT,

2. FURTHER REQUEST THE COMMISSION OF HUMAN RIGHTS TO SUBMIT  
A PROGRESS REPORT ON ITS WORK TO THE THIRTY-THIRD SESSION OF  
THE GENERAL ASSEMBLY,

3. DECIDES TO INCLUDE IN THE PROVISIONAL AGENDA OF ITS  
THIRTY-THIRD SESSION AN ITEM ENTITLED "TORTURE AND OTHER  
CRUEL, INHUMAN OR DEGRADING TREATMENT OF PUNISHMENT" FOR  
THE PURPOSE OF REVIEWING THE PROGRESS ACHIEVED IN ACCORDANCE  
WITH THE PRESENT RESOLUTION. UNQUOTE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**To:** STATE  
**Type:** TE  
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**Review Markings:**  
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